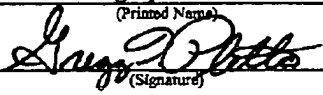


Appl. No.: 09/977,615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jennifer K. Grenier, *et al.*
Title : SOLID SUPPORT ASSAY SYSTEMS
AND METHODS UTILIZING
NON-STANDARD BASES
Appl. No. : 09/977,615
Filing Date : 10/15/2001
Examiner : Frank Lu
Art Unit : 1634
Confirm No. : 2586

CERTIFICATE OF TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on September 10, 2004. <u>Gregory T. Pletta</u> (Printed Name) <u></u> (Signature) <u>September 10, 2004</u> (Date of Deposit)
--

TRANSMITTED FACSIMILE NOT RECEIVED**ADDITIONAL COPY OF TRANSMISSION UNDER 37 C.F.R. § 1.8(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On July 13, 2004, the Applicants submitted -- via facsimile -- a response to the Office Action dated June 1, 2004. In August, the undersigned learned that the status of the response is "incomplete" because the PTO only received the first of five pages that was transmitted on July 13 (*i.e.*, only the Facsimile Transmittal sheet was received).

As set forth on the July 13 Facsimile Transmittal sheet, the response comprised: (1) a response to the June 1, 2004, Office Action; (2) a petition for a one-month extension of time; and (3) PTO form 2038. The response included a Certificate of Transmission for each piece of correspondence stating that the date of transmission was July 13, 2004. Enclosed herewith is a copy of the previously transmitted response (5 pages).

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Appl. No.: 09/977,615

Enclosed also please find a copy of the EraGen sending unit's report confirming that on July 13, 2004, five pages were sent to the USPTO.

Because the undersigned is in full compliance with 37 C.F.R. 1.8(b), namely, promptly responding after becoming aware that the Office has no evidence of receipt of the previous, complete transmission; supplying an additional copy of the previously transmitted response; and including a copy of the sending unit's report confirming transmission, the undersigned asks that the Office consider the response timely filed on July 13, 2004. Accordingly, the only fee due is the \$55.00 extension fee, whereby payment is authorized by credit card (see PTO form 2038).

Please contact me should any questions arise regarding the documents submitted herewith. Thank you.

Respectfully submitted,

Date September 10, 2004By 

EraGen Biosciences, Inc.

Customer Number: 33534

Telephone: (608) 662-9000 x345

Facsimile: (608) 662-9003

Gregory T. Pletta

Attorney for Applicants

Registration No. 47,864

ERA-PAT015-US5

-2-

Appl. No.: 09/977,615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants : Jennifer K. Grenier, *et al.*Title : SOLID SUPPORT ASSAY SYSTEMS
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CENTRAL FAX CENTER****SEP 10 2004****FACSIMILE TRANSMITTAL**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following documents:

- Letter informing the Office of a previous transmission under 37 C.F.R. § 1.8(b) (2 pages);
- Copy of the previous transmission dated July 13, 2004 (5 pages); and
- Copy of EraGen sending unit's confirmation report dated July 13, 2004 (1 page).

Please contact me should any questions arise regarding the documents submitted
herewith. Thank you.

Respectfully submitted,

Date September 10, 2004

By

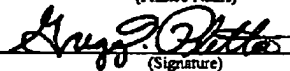
EraGen Biosciences, Inc.
Customer Number: 33534
Telephone: (608) 662-9000 x345
Facsimile: (608) 662-9003Gregory T. Pletta
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Registration No. 47,864

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--

FACSIMILE TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following documents:

- Response to Restriction Requirement;
- Petition for One-Month Extension of Time; and
- Credit Card Payment Form (PTO-2038).

Please contact me should any questions arise regarding the documents submitted
herewith. Thank you.

Respectfully submitted,

Date July 13, 2004By 

EraGen Biosciences, Inc.
Customer Number: 33534
Telephone: (608) 662-9000 x345
Facsimile: (608) 662-9003

Gregory T. Pletta
Attorney for Applicants
Registration No. 47,864

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Appl. No.: 09/977,615

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SEP 10 2004

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated June 1, 2004, containing a Restriction Requirement, please consider the following remarks. Submitted herewith is a Petition for Extension of Time.

REMARKS

Claims 1-39 have been restricted into three (3) groups as follows:

Group I -- claims 1-6, 8, 9, 12-19, 27, 28, and 36-39, drawn to

- (i) a method of assaying one or more target oligonucleotides in a sample (claims 1-6, 8, 9, 12-18, 27, 28, and 36);
- (ii) a method of assaying a target oligonucleotide in a sample (claim 19); and
- (iii) a method of assaying at least two target oligonucleotides in a sample (claims 37-39);

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Group II -- claims 20-22, 24, 26, and 29-35, drawn to

- (i) a method of assaying a target oligonucleotide in a sample (claims 20, 29, and 30);
- (ii) a method of assaying at least two target oligonucleotides (claims 24, 33-35); and
- (iii) a method of assaying a target oligonucleotide (claim 26);

Group III -- claim 25, drawn to a kit.

The Applicants elect, without traverse, **Group II**, claims 20-22, 24, 26, and 29-35.

The time for responding to the Office Action was set for July 1, 2004. Enclosed herewith is a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period sufficient to permit the timely filing of this response.

Respectfully submitted,

Date July 13, 2004

By



EraGen Biosciences, Inc.

Customer Number: 33534

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Gregory T. Pletta
Attorney for Applicants
Registration No. 47,864

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-2-

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SEND CONFIRMATION REPORT for
ERAGEN BIOSCIENCES
6086629003
Jul-13-04 4:57PM

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401	7/13 4:58PM	1'20"	USPTO	Send.....	5/ 5	EC144	Completed.....

Total 1'20"

Pages Sent: 5

Pages Printed: 0

Appl. No.: 09/977,615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jennifer K. Chandler, et al.

Title : SOLID SUPPORT ASSAY SYSTEMS
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NON-STANDARD BASES

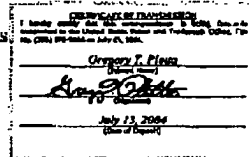
Appl. No. : 09/977,615

Filing Date : 10/15/2001

Examiner : Frank La

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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- Response to Restriction Requirement;
- Petition for One-Month Extension of Time; and
- Credit Card Payment Form (PTO-2038).

Please contact me should any questions arise regarding the documents submitted herewith. Thank you.

Respectfully submitted,

Date July 13, 2004

By

EraGen Biosciences, Inc.
Customer Number: 38334
Telephone: (608) 662-9000 x345
Facsimile: (608) 662-9003

Gregory T. Pletta
Attorney for Applicants
Registration No. 47,804

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